

TOWN OF GRAND CHUTE

ORDINANCE 04, SERIES OF 2020

A ORDINANCE AMENDING CHAPTER 398 OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH PROVIDES FOR THE LICENSURE AND REGULATION OF MASSAGE OR BODYWORK THERAPISTS.

WHEREAS, Chapter 398 of the Grand Chute Municipal Code is created to prohibit public nuisances from occurring within the Town of Grand Chute; and,

WHEREAS, Chapter 398 defines a public nuisance, in part, as a thing, act, occupation, condition or use of property which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose, or safety of the public and/or greatly offend the public morals or decency; and,

WHEREAS, the practice of massage and bodywork therapy is regulated by the Wisconsin Department of Safety and Professional Services and includes licensure and the requirement that a licensee pass a course of study that includes training in topics such as anatomy, physiology, pathology, kinesiology, CPR, first aid, business, law, and ethics; and,

WHEREAS, massage or bodywork therapy establishments frequently employ unlicensed massage or bodywork therapists and are often associated with criminal conduct involving acts of moral turpitude; and,

WHEREAS, it is in the best interest of the Town of Grand Chute to ensure that any massage or bodywork therapy establishments operating within the community are doing so in accordance with Chapter 460, Wisconsin Statutes, Massage Therapy and Bodywork Therapy, and employing only licensed massage and/or bodywork therapists;

NOW THEREFORE BE IT ORDAINED by the Town Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 398, Section 18, is hereby created to read as follows:

§ 398-18. Practice of massage or bodywork therapy requiring state licensing.

- A. No person who is required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., Massage Therapy and Bodywork Therapy, shall practice that profession within the Town of Grand Chute unless that person holds a valid, unexpired license, certificate of registration or credential issued under Chapter 460, Wis. Stats.**
- B. No person who is required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., Massage Therapy and Bodywork Therapy, shall advertise the availability of services to be performed within the Town of Grand Chute unless that person holds a valid, unexpired license, certificate of registration or credential issued under Chapter 460, Wis. Stats.**

- C. No business whose employees are required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., Massage Therapy and Bodywork Therapy, shall allow employees to practice that profession within the Town of Grand Chute unless the employees hold a valid, unexpired license, certificate of registration or credential issued under Chapter 460, Wis. Stats.
- D. No business whose employees are required to hold a license, certificate of registration or other credential pursuant to Chapter 460, Wis. Stats., Massage Therapy and Bodywork Therapy, shall advertise the availability of services to be performed within the Town of Grand Chute unless the employees hold a valid, unexpired license, certificate of registration or credential issued under Chapter 460, Wis. Stats.
- E. Each person who is licensed under Chapter 460, Wis. Stats., Massage Therapy and Bodywork Therapy, shall conspicuously display the license in the place of business where he or she practices massage therapy or bodywork therapy so that the license can easily be seen and read.
- F. Each place of business providing massage therapy and/or bodywork therapy shall permit inspections of the premises at any time during business hours by town building inspectors, fire inspectors, health inspectors or personnel of any law enforcement agency.

END OF AMENDMENT

ADOPTION OF FORFEITURE (for inclusion in the Uniform Forfeiture and Bond Schedule)

Penalty for Sec. 398-18 – \$1,321.00

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 21 day of January, 2020

VOTED FOR: 5

VOTED AGAINST: 0

TOWN OF GRAND CHUTE



David Schowalter, Town Chairman



Angie Cain, Town Clerk

Approved as to Form

By AKJR
Charles D. Koehler, Attorney
Herrling Clark Law Offices
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